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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the fourth periodic report of Paraguay*

I. General information

1. Please indicate whether the rights enshrined in the Covenant can be directly invoked before, and enforced by, the national courts. If so, please provide specific examples of judicial decisions in which these rights have been directly enforced.

2. Please provide the following information about the National Development Plan which is currently being drawn up: (a) the degree of emphasis it places on the rights covered by the Covenant; (b) the participation of civil society, including representatives of indigenous peoples, in its formulation; (c) the resources due to be allocated for its implementation; and (d) when the Plan is expected to be adopted and put into effect.

II. Issues relating to general provisions of the Covenant (arts. 1–5)

Article 1, paragraph 2: right to freely dispose of natural wealth and resources

3. Please indicate what mechanisms are available in the State party to ensure the prior consultation of indigenous peoples, with a view to obtaining their free and informed consent, in processes leading to decisions that have the potential to affect their economic, social and cultural rights, especially decisions relating to their ancestral lands. If such mechanisms exist, please provide specific examples.

4. Please provide up-to-date information on measures adopted to ensure that all indigenous communities are in possession of title to their ancestral lands, including information on the budget allocated, as well as information on the results of such measures.

* Adopted by the pre-sessional working group at its fifty-third session (26 to 30 May 2014).

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Article 2, paragraph 1: obligation to take steps to the maximum of available resources

5. Please provide up-to-date information on the legislative or other measures that have been adopted to prevent and combat corruption and its adverse effects on the enjoyment of economic, social and cultural rights, as well as information on the results of these measures. Please also include information on the number of complaints of corruption filed over the past five years, the investigations conducted, the percentage of these complaints that resulted in convictions, and the protection provided to persons who report cases of corruption.

Article 2, paragraph 2: non-discrimination

6. Please provide information on the status of the bill on the elimination of all forms of discrimination referred to in paragraph 34 of the report. Please also provide information on the content of the bill, in particular the definition of discrimination which it contains. In addition, please provide up-to-date information on the impact of measures taken to combat and prevent discrimination against, and the social stigmatization of, disadvantaged and marginalized persons and groups, including lesbian, gay, bisexual and transsexual persons, in their exercise of the rights recognized in the Covenant.

Article 3: equal rights of men and women

7. Please describe the main achievements of the National Plan on Equal Opportunities for Women and Men 2008–2017 in relation to the enjoyment of economic, social and cultural rights by women, from the time of the Plan's introduction until the present day. Please also provide information on the measures taken to increase the participation of women in political life, in public-sector decision-making positions in the three branches of government and in the private sector, at the national, departmental and municipal levels, as well as information on the impact of these measures. Please include statistical information.

III. Issues relating to specific provisions of the Covenant (arts. 6–15)

Article 6: right to work

8. Please provide up-to-date information on measures taken to reduce the high rates of underemployment and address issues associated with the informal economy, as well as information on the impact of these measures. Please also provide additional information on the content and scope of the flagship temporary employment programme Ñamba'apo Paraguay (Let's work Paraguay) referred to in paragraph 50 of the report, as well as up-to-date information on its implementation and the results obtained.

9. Please provide detailed and up-to-date information on measures taken to eliminate practices that might potentially constitute forced labour, as well as information on the impact of these measures, in particular in the Chaco region. Please include information on the activities carried out in this respect by the Inter-Agency Commission for the Prevention of Forced Labour and on the number of complaints received by the National Centre for Indigenous Affairs, indicating how these complaints were followed up. Please also include information on measures taken to prosecute and punish those responsible and provide redress for victims of forced labour.

Article 7: right to just and favourable conditions of work

10. Please provide up-to-date information on measures taken to ensure equal conditions of work for men and women, including equal pay for equal work, as well as information on the impact of these measures.

11. Please provide up-to-date information on measures taken to ensure that all workers, whether in the public or private sector, have access to a minimum wage which allows them and their families to enjoy decent living conditions. Please include up-to-date statistical information, disaggregated by sex, age and urban/rural area, on the percentage of workers who receive the minimum wage or a wage that is higher.

12. Please provide up-to-date statistical information, disaggregated by sex, age and urban/rural area, on domestic workers in the State party. Please also provide further information on steps taken towards amending laws or regulations that establish discriminatory conditions for domestic work and increasing the number of labour inspections in this sector, as recommended by the Committee in its previous concluding observations (E/C.12/PRY/CO/3, para. 26). Please provide annual figures for the number of labour inspections conducted and the results of these inspections.

Article 8: trade union rights

13. Please indicate whether national legislation imposes any restrictions on trade union rights. If so, please specify what the restrictions are and whether they are in conformity with the standards prescribed in the Covenant.

14. Please provide annual information, from 2008 onward, on the number of requests for trade union registration that were submitted to the relevant authorities, specifying whether these requests were from the public or the private sector. Please indicate the number of requests that were accepted or rejected, including, in the latter cases, the reasons for the decision and the average length of time taken to process a request. Likewise, please indicate whether, from 2008 onward, any complaints have been registered concerning acts of harassment and/or intimidation, including dismissals, against unionized workers or their leaders as a result of their trade union activities and, if so, provide information on how these complaints were followed up.

Article 9: right to social security

15. Please provide up-to-date information on the measures adopted — and the impact of such measures — to address the challenges existing in the social security system and, in particular, to extend social security coverage to all persons, including those who work in the informal economy and those who are self-employed. Please include information on the impact of measures taken in the context of national objective 1.3 on modernizing the social security system through integrated coverage, which is referred to in paragraph 88 of the report. Please include statistical data.

Article 10: protection of the family, mothers and children

16. Please provide up-to-date information on the impact of measures adopted to eliminate child labour, including, in particular, measures adopted as part of the National Plan for the Prevention and Elimination of Child Labour and the Protection of Adolescent Workers. In addition, please provide information on measures adopted to eliminate the practice of *criadazgo* (unpaid domestic child labour).

Article 11: right to an adequate standard of living

17. Please provide up-to-date information on the impact of measures taken to combat poverty and extreme poverty, including the Tekoporã programme, and on measures taken to implement the recommendations made by the Special Rapporteur on extreme poverty and human rights in her report on her mission to Paraguay (A/HRC/20/25/Add.2), particularly in rural areas and with regard to indigenous communities. Please include information on the resources allocated for the implementation of such measures and indicate whether they have proved to be sufficient.

18. Please comment on the data included in the report published by the Food and Agriculture Organization of the United Nations in 2013 entitled *The State of Food Insecurity in the World*, which attest to an increase in the prevalence of undernourishment in the State party, with an estimated 22.3 per cent of the population affected in the 2011–2013 period. Please also provide up-to-date information on the impact of the measures taken to fight hunger and malnutrition, including the National Plan for Food and Nutritional Sovereignty and Security.

19. Please provide up-to-date information on measures taken to ensure that evictions are carried out in conformity with article 11 of the Covenant, as developed in the Committee's general comment No. 7 (1997) on the right to adequate housing: forced evictions. Please also provide information on measures taken to prevent excessive use of force when evictions are carried out, as well as information on the results of such measures. Please also provide up-to-date information on advances achieved in improving access to housing, particularly in rural areas, and on the resources allocated for this purpose. Please include statistical information, disaggregated by urban/rural area and vulnerable group, which shows the percentage of the population that has benefited from these measures and the percentage that still does not have access to adequate housing.

20. Please provide information on the measures taken by the State party to ensure respect for the economic, social and cultural rights of prisoners and other persons deprived of their liberty.

Article 12: right to physical and mental health

21. Please provide information, from 2008 onward, on the percentage of the national budget allocated to health, with disaggregated data for mental health. Please indicate whether this percentage is sufficient to ensure that all persons in all parts of the country have access to free, high-quality health services. Please also indicate whether the existing network of Family Health Units covers the health needs of the entire population of the State party, irrespective of geographical location, and whether there are any plans to increase the number of units.

22. Please provide up-to-date statistical information on the rates and causes of maternal and infant mortality and describe the impact of measures taken to address them, particularly in rural areas and with regard to indigenous communities. Please also provide information on measures taken to raise awareness and ensure the implementation of Resolution No. 146 of the Ministry of Public Health and Social Welfare, dated 8 March 2012, and on the impact of these measures. Please include statistical information. Please also provide up-to-date information on any other measure, whether legislative or of some other nature, that has been adopted with a view to reducing the number of unsafe abortions.

23. Please provide up-to-date information on measures taken to implement the recommendation made by the Committee in its previous concluding observations concerning the use of toxic agro-chemicals (E/C.12/PRY/CO/3, para. 27).

Articles 13 and 14: right to education

24. Please provide up-to-date statistical data, from 2008 onward, on trends in public spending on education, specifying the budget items to which funds are allocated and the percentage corresponding to each.

25. Please provide up-to-date information on measures taken to reduce the high rate of illiteracy among the indigenous population and among persons with disabilities, as well as information on the impact of these measures. Please also provide up-to-date information on advances achieved in education for indigenous persons, including in teacher training, in school construction and refurbishment and in the availability of materials in the two official languages of Paraguay and in other indigenous languages spoken in the country.

Article 15: cultural rights

26. Please provide information on measures taken to guarantee allocation of the resources necessary for full implementation of cultural policy (paragraph 389 of the report) and, in particular, for implementation of the indigenous cultures' programme run by the National Secretariat for Culture (paragraph 427 of the report). In addition, please provide up-to-date information on measures taken to implement the Languages Act and on the results obtained.

27. Please provide further information on measures adopted to guarantee the widest possible access to the Internet.